

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA

ROHDE & SCHWARZ USA, INC.,

Plaintiff,

vs.

CASE No. _____

RAY LOFTHOUSE d/b/a SOLDIERS
SUPPLY,

Defendant.

_____ /

COMPLAINT

Rohde & Schwarz USA, Inc, (“R&S”) hereby sues Roy Lofthouse, (“Lofthouse”) d/b/a Soldiers Supply and states as follows:

1. This is an action for damages arising out of Lofthouse’s breaching of contracts to purchase goods from the Plaintiff, R&S.

2. This Court has jurisdiction pursuant to 28 U.S.C. §1332 as there is complete diversity and the amount in controversy exceeds \$75,000.

3. Plaintiff R&S is a Delaware corporation with its principle place of business in Maryland.

4. Defendant Lofthouse is a natural person residing and conducting business as a sole proprietor in Canton, Georgia.

5. Venue is proper as Defendant resides and conducts business in the Northern District of Georgia.

6. In December of 2020, Defendant Lofthouse ordered certain broadcast equipment from Plaintiff R&S, on two occasions.

7. Plaintiff R&S delivered the equipment and invoiced Defendant Lofthouse for the equipment. Copies of the invoices are attached as Exhibit A.

8. The terms of payment were “Net 30”. Despite demand, Defendant Lofthouse has refused to pay Plaintiff R&S for the equipment. Defendant Lofthouse owes R&S \$170,121.50.

9. All conditions precedent have occurred or are legally excused.

COUNT I – BREACH OF CONTRACT

10. Plaintiff R&S realleges paragraphs 1 to 9 as if fully stated herein.

11. Plaintiff R&S and Defendant Lofthouse had an agreement whereby Defendant Lofthouse agreed to purchase the equipment.

12. Plaintiff R&S has performed according to the parties’ agreement.

13. Defendant Lofthouse breached the parties’ agreement by refusing to pay for the equipment.

14. Defendant Lofthouse owes Plaintiff R&S \$170,121.50 pluses interest.

WHEREFORE, Plaintiff R&S respectfully requests this Honorable Court enter judgment in favor of Plaintiff for damages, prejudgment and post judgment interest at the maximum rate allowed by law, court costs, and any other relief this Court deems fair and just.

Dated this 13th day of July, 2021.

/s/ Ken Abele

Ken Abele

Florida Bar No.: 254370

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